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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. MJ 12-203  
10 v. )  
11 BERNARD AMIN MUSTAFA III, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Conspiracy to Distribute Fentanyl, Possession with Intent to Distribute  
15 Fentanyl, Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Felon in  
16 Possession

17 Date of Detention Hearing: April 30, 2012.

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
20 that no condition or combination of conditions which defendant can meet will reasonably  
21 assure the appearance of defendant as required and the safety of other persons and the  
22 community.

01                    FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02            1.        Defendant has been charged with a drug offense, the maximum penalty of which  
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to  
04 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

05            2.        Defendant, a convicted felon, was found with what the AUSA describes as “a  
06 small arsenal” at the time of arrest, including a Rifle inserted into a tripod stand pointed out the  
07 window toward the street, a .40 caliber pistol found in the living room next to a couch, and a  
08 .308 caliber Remington found next to a large safe, as well as a bulletproof est. The AUSA  
09 alleges that defendant’s self-employed business is a sham, and that he has been engaged in  
10 structuring transactions resulting from the sale of Fentanyl. The AUSA argues that defendant  
11 does not have legitimate employment and proffers that defendant was not honest with Pretrial  
12 Services in failing to disclose \$340,000 in cash, an access card with \$9,000, and other  
13 investments made with cash. Defendant and his girlfriend were recorded in a jail conversation  
14 discussing ways to access the funds.

15            3.        The AUSA proffers that defendant was in possession of fentanyl with a street  
16 value of \$200,000 when arrested, and that his girlfriend should not be considered a reliable  
17 source of verification for information relating to times prior to their relationship. One of  
18 defendant’s references is also a target of the investigation. Defendant admits to being a  
19 frequent user of prescription opiates, as well as various illegal controlled substances. His  
20 criminal history includes several failures to appear.

21            4.        Taken as a whole, the record does not effectively rebut the presumption that no  
22 condition or combination of conditions will reasonably assure the appearance of the defendant

01 as required and the safety of the community.

02 It is therefore ORDERED:

- 03 1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
04 General for confinement in a correction facility separate, to the extent practicable, from  
05 persons awaiting or serving sentences or being held in custody pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with  
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the  
09 person in charge of the corrections facility in which defendant is confined shall deliver  
10 the defendant to a United States Marshal for the purpose of an appearance in connection  
11 with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
13 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
14 Officer.

15 DATED this 30th day of April, 2012.

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18 Mary Alice Theiler  
19 United States Magistrate Judge  
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